

REMARKS

This responds to the Office Action dated February 6, 2006, and the references cited therewith.

No claims are amended, canceled or added; as a result, claims 1-18, 25-30, and 47-59 remain pending in this application.

Objection to the Claims

Claim 52 was objected to due to an informality. Applicant respectfully refers the Examiner to Applicant's Detailed Description as filed at page 11, lines 13-26, which describes generating a key using a hash function. In particular, at page 11, lines 24-26 state "In one embodiment, the hash function used to generate the key is different than the hash function executed to generate the message authentication code." Applicant submits that the foregoing statement provides the support for claim 52 such that using a different hash function to generate the key than that used to generate the message authentication code necessitates calculating a third hash value as described in claim 52.

§103 Rejection of the Claims

Claims 1, 6-11, 13-16, 25-30, 47, 53 and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mazar et al. (U.S. 2004/0122489) in view of Abdulkader (U.S. 2002/0120838). Claims 3, 4, 12, 17, 18, 48 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mazar et al. (U.S. 2004/0122489) in view of Abdulkader (U.S. 2002/0120838) in further view of Silverbrook (U.S. 2004/0168071). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mazar et al. (U.S. 2004/0122489) in view of Abdulkader (U.S. 2002/0120838) in further view of the teachings of Madoukh (U.S. 2001/0019614). Claims 57-59 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mazar et al. (U.S. 2004/0122489) in view of Abdulkader (U.S. 2002/0120838) in further view of the teachings of Zotto et al. (U.S. 2004/0009815). Applicant respectfully traverses these rejections.

Applicant's traversal is made on the grounds that Mazar et al. is disqualified by the American Inventors Protection Act (AIPA) of 1999 from being used as a reference against the

present patent application under 35 U.S.C. § 102(e)/103. Applicant declares that, to the best of Applicant's knowledge, at the time the present invention was made, the present patent application and the Mazar et al. U.S. Patent Application No. 10/328,655 were owned by the same entity, that is, Cardiac Pacemakers, Inc. The Mazar et al. patent application was apparently filed on December 23, 2002, and did not publish until June 24, 2004. In contrast, Applicant notes that the present patent application was filed on March 15, 2004, which predates the publication date of the Mazar et al. patent application. Applicant respectfully submits, therefore, that Mazar et al. is disqualified as a reference for the purpose of 102(e)/103(a) under 35 U.S.C. 103(c). Accordingly, Applicant respectfully requests withdrawal of this basis of the rejections of these claims insofar as they rely on the Mazar et al. reference.

Applicant submits that dependent claims 2-9, 11-13, 15-18, 26-30, and 48-59 are in condition for allowance and without need of amendment since each recites additional subject matter beyond that of the base claim from which each depends. Thus, Applicant requests reconsideration and allowance of claims 2-9, 11-13, 15-18, 26-30, and 48-59.

Allowable Subject Matter

Claims 50, 51, 54 and 55 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant acknowledges the allowability of claims 50, 51, 54, and 55 if rewritten to incorporate their parent claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCOTT J. HEALY ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 373-6951

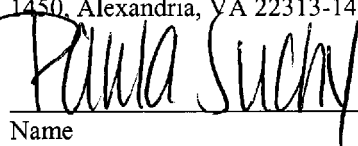
Date March 7, 2006

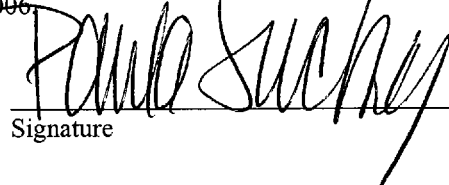
By 

Suneel Arora

Reg. No. 42,267

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7 day of February, 2006.


Name


Signature